



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON, D.C. 20370-5100

ELP

Docket No. 4064-00

8 December 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 December 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 25 August 1960 for four years at age 17. The record reflects that you were advanced to PFC (E-2) and served for 15 months without incident. However, during the ten month period from November 1961 to September 1962 you received four nonjudicial punishments (NJP) and were convicted by three summary courts-martial. Your offenses consisted of failure to go to your appointed place of duty, possession of a belt belonging to another Marine, two instances of failure to obey a lawful order, six instances of breaking restriction, three brief periods of unauthorized absence (UA) totalling about four hours, and a 17-day period of UA.

On 22 August 1963, you submitted a request for transfer to the 1st Marine Division. Your request was forwarded by the commanding officer (CO) to the Commandant of the Marine Corps recommending disapproval. He stated that you were under investigation pursuant to possible discharge for unfitness, and

an indirect cause of your many problems appeared to be that you were stationed in an area close to your home.

On 11 September 1963 you were advised that you were being processed for discharge under other than honorable conditions by reason of unfitness. You were advised of your procedural rights. You elected to submit a statement requesting to finish your enlistment, but waived your right to be represented by counsel and to present your case to an administrative discharge board (ADB). Thereafter, the CO recommended that you be discharged by reason of unfitness. In his recommendation, the CO stated that you had been a chronic problem, both on and off duty, since you joined the command. In addition to the foregoing disciplinary record, you were continually involved in minor offenses which resulted in extra instruction. You had received extensive counseling for indebtedness problems and numerous civil traffic violations, and you were currently under warrant for driving without a registration and license. He asserted that the total time and effort expended on your behalf had been considerable and your retention would be detrimental to the best interests of the command and the Marine Corps.

On 18 September 1963, the Commandant of the Marine Corps directed an undesirable discharge by reason of unfitness due to frequent involvement of a discreditable nature with military authorities. You were so discharged on 27 September 1963.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, limited education, and the fact that it has been more than 37 years since you were discharged. The Board noted your contention that being stationed close to home and friends was a contributing factor in the misconduct which led to your discharge, and the CO's denial of your request for transfer was unjust. The Board concluded that the foregoing factors and contentions were insufficient to warrant recharacterization of your discharge given your record four NJPs and three summary court-martial convictions. The Board noted the aggravating factor that you waived an ADB, the one opportunity you had to show why you should be retained or discharged under honorable conditions. The Board found your contentions to be without merit. The fact that you were stationed near your home did not relieve you of responsibility for your actions or your obligations to the Marine Corps. The Board concluded that you were guilty of too much misconduct to warrant recharacterization to honorable or under honorable conditions. The Board concluded that the discharge was proper and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director